

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5248 of 1997

RAMANBHAI DURLABHBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR NL PATEL for Petitioners

MR.KODEKAR FOR M/S PATEL ADVOCATES for Respondent No. 1

MR MUKESH D RAVAL for Respondent No. 2

MR MD PANDYA for Respondents No. 3 & 4

NO ONE APPEARS FOR RESPONDENT NO.5 DESPITE SERVICE.

CORAM : MR.JUSTICE M.R.CALLA

Date of Order: 21/10/97

ORAL ORDER

Through this Special Civil Application, a direction is sought against Surat Urban Development Authority and its Chief Executive to treat the land in question situated at village Bhestan-Choryasi taluka, district Surat as per particulars given in para 2 of the petition to be free from any type of designation or dereservation and for issuing and amending the zoning certificate etc. It is the common case of the parties that the Revised Development Plan was prepared in the year 1996. The petitioner's grievance is that he has been submitting representations in this regard including the last representation which had been made by him way back on 2.7.1991. However, no representation has been made after the Revised Development Plan of 1996. It is also the common case of the parties that ultimate decision in this regard has to be taken by the State of Gujarat because the Surat Urban Development Authority has already sent Revised Development Plan of 1996 to the Government.

In the facts and circumstances of the case, it is ordered that this petition which has already been served upon the respondents shall be treated as petitioner's

representation and concerned authority shall pass appropriate orders in accordance with law on consideration of the pleadings in its entirety and after affording an opportunity of hearing to all concerned parties. Learned Counsel for the petitioner has placed strong reliance on the Supreme Court decision in 37(3)GLR (1996) Pg.580 in the case of Ahmedabad Development Authority vs. Manilal Gordhandas & Others decided on 11.9.1996. While taking decision treating this writ petition as petitioner's representation the legal position as laid down by the Supreme Court in the aforesaid case shall also be considered. Government may pass appropriate orders in accordance with law and as directed above at the earliest possible opportunity preferably within a period of six months. This Special Civil Application is disposed of accordingly. Notice is hereby discharged. No order as to costs.

Dt.21.10.1997. (M.R.Callan, J)

m.m.bhatt